

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33778 of 2023**

Arising Out of PS. Case No.-426 Year-2022 Thana- SITAMARHI COMPLAINT CASE  
District- Sitamarhi

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1. Chandrakala Devi Wife Of Late Sunar Mukhiya@ Late Sunar Mukhia Resident Of Village- Domani Tola Jaynagar, Ps- Belsand, Distt- Sitamarhi.
  2. Lakhindra Mukhia @ Lakhindra Mukhiya Son Of Late Sunar Mukhia @ Late Sunar Mukhiya Resident Of Village- Domani Tola Jaynagar, Ps- Belsand, Distt- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pawan Kumari Wife Of Vinod Kumar, D/O Kailash Mukhiya Resident Of Village- Domani Tola Jaynagar, Ps- Belsand, Distt- Sitamarhi At Present R/O Village- Madhurapur, Ps- Bajpatti, Dist- Sitamarhi.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar, Advocate  
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      07-07-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 323, 379, 498A, 34 of the Indian Penal Code and  $\frac{3}{4}$  of Dowry Prohibition Act but cognizance has been taken under Sections 498(A)/34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioner no. 1 is mother-in-law and petitioner No. 2 is bhainsur, of the victim. They have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioners have relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with C1-426/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the



Court below will be at liberty to cancel the bail bonds of the petitioners.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement. In case, any such application is made by either of the parties, the Court below shall refer the matter to the District Mediation Centre.

**(Sudhir Singh, J)**

Pankaj/Vikash-

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